

**Submission  
No 95**

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS  
OF CLIMATE CHANGE ON THE ENVIRONMENT AND  
COMMUNITIES**

**Name:** Dr Gregory Clancy

**Date Received:** 3 November 2023

---

My name is Dr Greg Clancy PhD and I am an ecologist (retired) and councillor (and former deputy mayor) on Clarence Valley Council. I am representing myself. My long-time experience as a person concerned with the protection of the natural environment and my professional work as an ecological consultant, as well as my two terms as a councillor, have given me extensive exposure to the planning system in New South Wales and its limitations. I would like to provide comment on the terms of reference as they are appropriate to my experience and current situation. I would like to address the committee at a time when I can prepare a more detailed presentation backed up with examples and references although I believe that there is sufficient published scientific information already widely available that indicates a great failure of the existing planning and environmental legislation. The continued addition of flora and fauna species to the threatened species lists and the lack of sufficient planning to ensure that human population of areas does not exceed the carrying capacity of those areas are evidence of this. Trying to balance the ecological and social impact of ever-expanding urban development is a real challenge.

I will make specific comments on the terms of reference, where appropriate, marked in red text.

### TERMS OF REFERENCE

That Portfolio Committee 7 inquire into and report on how the planning system can best ensure that people and the natural and built environment are protected from climate change impacts and changing landscapes, and in particular:

(a) developments proposed or approved:

(i) in flood and fire prone areas or areas that have become more exposed to natural disasters as a result of climate change - I have first-hand experience in dealing with developments on flood-prone land, in particular at Yamba. As a councillor and member of the Northern Region Planning Panel, I have voted against development on the floodplain but have always been out-voted resulting in a continuation of inappropriate development at West Yamba. The current solution to the flood risk at West Yamba is to truck in thousands of cubic metres of fill and to raise the level of the residences but all that does is cause changes to the local hydrology and potentially leaves the residents high and dry but surrounded by flood waters in a medium to large flood event.

(ii) in areas that are vulnerable to rising sea levels, coastal erosion or drought conditions as a result of climate change, and

(iii) in areas that are threatened ecological communities or habitat for threatened species – the application of the provisions of the Biodiversity Conservation Act is not effective in preventing biodiversity loss. Many small developments do not meet the threshold for a Biodiversity Assessment to be triggered resulting in 'death by a thousand cuts' or when the BAM is triggered it can result in offsets which still result in a net loss of biodiversity. The exemptions for clearing in the bushfire legislation

and for farming practices means that threatened species and endangered ecological communities can be damaged with impunity.

(b) the adequacy of planning powers and planning bodies, particularly for local councils, to review, amend or revoke development approvals, and consider the costs, that are identified as placing people or the environment at risk as a consequence of:

(i) the cumulative impacts of development,

(ii) climate change and natural disasters,

(iii) biodiversity loss, - the 'death by a thousand cuts' loss of biodiversity or the inappropriate use of offsets are contributing to biodiversity loss. In the period of the sixth great extinctions being caused by human impacts we have to take radical action to turn the situation around.

(iii) rapidly changing social, economic and environmental circumstances

(c) short, medium and long term planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions, as well as the community's expectation and need for homes, schools, hospitals and infrastructure. Development needs to be in areas that have the carrying capacity to prevent biodiversity loss and to provide the essential services such as water, housing, and infrastructure to accommodate the population. Development should not be on floodplains or in areas of extreme fire danger.

(d) alternative regulatory options to increase residential dwelling capacity where anticipated growth areas are no longer deemed suitable, or where existing capacity has been diminished due to the effects of climate change – infill of existing urban areas and increasing the height of buildings in those areas, although not ideal, is preferable to further expansion into natural and agricultural areas.

(e) any other related matters.

The lack of ability for objectors to a development to lodge an appeal to the Land & Environment Court on merit grounds is a real impediment to the community's democratic rights. The increasing crackdown on non-violent protesting is also a real concern.